

REMARKS

This Amendment is in response to the Office Action of May 6, 2004, wherein the Examiner rejected claims 1, 2 and 4-6, objected to claims 3 and 7, and allowed claims 8-14.

The Examiner first objected to claim 8 for a grammatical informality which has been corrected above.

The Examiner next rejected claims 1, 2, and 4-6 under 35 USC §102(b) as being anticipated by *Rathert et al.* '940.

Rathert et al. does not disclose a control that actuates upper and lower stops, wherein the lower stop has a lower stack-engaging portion and a lift portion, the lift portion selectively actuatable to elevate the lower stack-engaging portion to engage and stop a *moving* bottom surface of the stack and to lift the stack above the conveying surface; and the upper stop has an upper stack-engaging portion and a lowering portion, the lowering portion selectively actuatable to lower the upper stack-engaging portion to engage and stop a *moving* upper surface of the stack.

The clamping and turning mechanism 29 of *Rathert et al.* does not constitute upper and lower "stops". As stated at column 4 lines 53-57 of *Rathert et al.*, the belts 25, 26 move the stack of book pages to a position where the stack is centered with respect to the rotating plates of the clamping and turning mechanism. The belts are stopped at the central position before the plates are engaged as can be derived from column 5 lines 1-3 where it is stated that when

the rotation to the desired orientation has been achieved, "the drive for belts 25, 26 is reenergized."

The function of the plates 31, 32 is thus not to *stop* a moving stack but to clamp and rotate and re-orient an already stopped stack. There is no suggestion that the plates 31, 32 of *Rathert et al.* would not be suitable to stop a *moving* stack in a fashion to ensure a neat stack.

Because *Rathert et al.* lacks a lower stack engaging portion to engage and stop a moving bottom surface of a stack and an upper stack engaging portion to engage and stop a moving upper surface of the stack, independent claim 1 distinguishes this reference.

The Examiner next indicated the allowability of claims 3 and 7 if rewritten in independent form. Applicant has complied with these instructions by rewriting claims 3 and 7 as independent claims 17 and 18 respectively. Claims 17 and 18 should now be allowable.

The Examiner next indicated that claims 8-14 are allowed. Applicant acknowledges this allowance with appreciation.

Applicant has added new claims 15-16 which should also be allowable.

Applicant submits that all claims are in condition for allowance and request issuance of the application.

Respectfully submitted,

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